

RECORD OF OFFICIAL PROCEEDINGS OF THE COMMON COUNCIL  
CITY OF ROCHESTER, MINNESOTA  
Regular Adjourned Meeting No. 26 – October 18, 2004

7194

Agenda Item	
A-1	No one wished to be heard during the Open Comment Period.
B-1	President John Hunziker called the meeting to order at 7:00 P.M. with the following members present: Councilmembers Dennis Hanson, Marcia Marcoux, Jean McConnell, Sandra Means, Bob Nowicki, Walter Stobaugh. Absent: None. Also present: Mayor Ardell F. Brede.
D-1-31	Councilmembers McConnell moved, Hanson seconded, to approve the following consent agenda items.
D-1	Approved the minutes of the September 20 and October 4, 2004, meetings.
D-2	Approved the appointment of Evan Marshall to the Rochester Civic Music Board from January 2005 to December 2007.
D-3	See at end of D Items.
D-4	Adopted Resolution No. 503-04 approving the lease agreement with the Sky Shop of RST, LLC at the Rochester International Airport for three years with a five year option.
D-5	See at end of D Items.
D-6	Accepted the donation of \$64.00 from Mark Ostien of Culligan Clean Water Services for the City of Rochester. The money will be used for 2004 election expenses.
D-7	Adopted Resolution No. 504-04 taking no action on the Currency Exchange Licenses for Pawn America Minnesota, Inc. and the two Wal-Mart Stores in Rochester.
D-8	Approved Accounts Payable in the amount of \$13,207,225.74 and Investment Purchases of \$6,005,776.79.
D-9	Adopted Resolution No. 505-04 providing a temporary exemption under the provisions of Section 61.529(3) of the Land Development Manual from the traffic standards of Section 61.526 of the Land Development Manual for SDP #04-30, the development of Lot 4 Block 1 Chateau Subdivision and Lot 2, Block 1 Chateau First Replat.
D-10	Adopted Resolution No. 506-04 approving Annexation Petition #04-18 by Dallas Backhaus and Donna Rae Mann to initiate Orderly Annexation of Approximately 20 acres of land described at the North Half of the Northwest Quarter of Section 17, Marion Township located along the south side of 20 <sup>th</sup> Street SE, west of 38 <sup>th</sup> Avenue SE.
D-11	Adopted Resolution No. 507-04 approving the execution of the Pictometry International Corp General License Terms and Conditions agreement necessary to

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	carry out the 2004 Homeland Security and Law Enforcement Terrorism Prevention Grant Programs.
D-12	Accepted the donation of \$325 from MADD of Olmsted County for a preliminary breath tester for the Rochester Police Department.
D-13	See at end of D Items.
D-14	Adopted Resolution No. 508-04 ordering Project No. M4-45 (J-7734) "Extension of Watermain on the South Side of Mayowood Road SW from the Northwest Corner of the Bible College Property to a Location Approximately 250 Feet West".
D-15	Adopted Resolution No. 509-04 approving an Engineering Service Agreement with WHKS & Company to provide design engineering services for Project No. M4-45 (J-7734 "Extension of Watermain on the South Side of Mayowood Road SW from the Northwest Corner of the Bible College Property to a Location Approximately 250 Feet West".
D-16	Adopted Resolution No. 510-04 authorizing payment of Supplemental Agreement #4 in the amount of \$14,174.17 for Project No. M1-36 (J-9799) "Sanitary Sewer and Watermain to Serve the North 1/2, NE1/4, Section 35, Rochester Township (Graham Property)" with S. J. Louis Construction, Inc.
D-17	Adopted Resolution No. 511-04 authorizing payment of Supplemental Agreement #1 in the amount of \$15,947.00 for Project No. M1-25 (J-9786 "Sanitary Sewer and Watermain Extension to Serve the Kahoun's Subdivision Area".
D-18	Adopted Resolution No. 512-04 authorizing the execution of the Development Agreement with Kelly and Kristi Madson, owners of the site of Bob's Construction, General Development Plan #220 east of County Road 144 S.E.
D-19	Adopted Resolution No. 513-04 authorizing the execution of the Development Agreement with Wildwood Meadow, Inc. located south of 37 <sup>th</sup> Avenue S.E.
D-20	Adopted Resolution No. 514-04 approving the Pedestrian Facilities Agreement with Robert T. Galuska, Terrance L. Galuska, Karen B. Galuska, Paul E. Galuska, and Jennifer L. Worthen-Galuska, for Lot 1, Valleyhigh Second Subdivision.
D-21	Adopted Resolution No. 515-04 approving the Revocable Permit for By Us, LLC, to allow the placement of subdivision monument sign within the public right of way at Pinewood Ridge Subdivision.
D-22	Adopted Resolution No. 516-04 approving the execution of a City/Owner Contract with Fred Schmidt and Arcon Construction, Inc. for Project No. J-5150 "Watermain and Hydrants to Serve The Highlands on 19 <sup>th</sup> ".
D-23	Adopted Resolution No. 517-04 approving the execution of a City/Owner Contract with Fred Schmidt and Arcon Construction, Inc. for Project No. J-5135 "Basic Construction in Hundred Acre Woods Second".

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D-24	Adopted Resolution No. 518-04 approving the execution of a City/Owner Contract with GAC & M Properties, LLC and Bob Braaten Construction, Inc. for Project No. J-5152 "Watermain & Hydrants to Serve Lot 2, Block 1, Chateau First Replat & part of Lot 4, Block 1, Chateau Subdivision".
D-25	Adopted Resolution No. 519-04 approving the execution of a City/Owner Contract with Forsons Investment LLC and Elcor Construction, Inc. for Project No. J-5122 "Watermain Relocation to Serve T.J. Max Plaza within Lot 1, Block 1, Barclay Square".
D-26	Adopted Resolution No. 520-04 approving the execution of a City/Owner Contract with ASI Rochester, Inc. and Weis Builders, Inc. for Project No. J-5109 "Watermain & Hydrants to Serve ASI Subdivision".
D-27	Adopted Resolution No. 521-04 approving the execution of a City/Owner Contract with Wesley Investments, Inc. and Road Constructors, Inc. for Project No. J-5125 "Basic Construction in Cascade Pass".
D-28	Adopted Resolution No. 522-04 approving the execution of a City/Owner Contract with Joel Bigelow & Sons Enterprises, Inc. and Elcor Construction, Inc. for Project No. J-5141 "Basic Construction in Kingsbury Hills Sixth".
D-29	See at end of D Items.
D-30	Adopted Resolution No. 523-04 approving Change Order #1 with Fraser Construction Company for Project No. J-4390 "2004 Plant Site Preparation" at an increase of \$73,795.32 and the Substantial and Final Completion dates be changed to September 19 and September 30, 2004 respectively.
D-31	Adopted Resolution No. 524-04 authorizing the City Clerk to advertise for bids for Project No. J-4390 "2004 Plant Upgrade for the Water Reclamation Plant".  Ayes (7), Nays (0). Motion carried.
D-3	Mayor Brede presented the new City of Rochester Coloring and Activity Book. The Book is designed to be presented to third grade students touring City Hall to help them learn more about the City and how it runs. Mayor Brede introduced Donna Bussell and Karol Gluth, editors of the publication, and Rhonda McLaughlin. Ms. McLaughlin is a member of the Park and Recreation Staff and after office hours designed and illustrated the book.  Councilmembers Marcoux moved, McConnell seconded, to adopt Resolution No. 525-04 approving a Work for Hire Agreement with Rhonda McLaughlin for \$500 plus 25 percent of future royalties for the City Hall Activity and Coloring Book. Ayes (7), Nays (0). Motion carried.
D-5	Councilmember Marcoux asked about the Sound Amplification Permits for Pint's Pub for October 20 and 28, 2004. She said that in the past the permits have been issued for the weekend and this time they will be during the week.

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	<p>Todd Powers, owner of Pint's Pub, explained that they would like to have a band playing on Wednesday evening. The remainder of the week is MEA week. The particular band, Johnny Holmes, has played on an annual basis at this time and would like to start the tradition again. Mr. Powers said that other sound permits that were issued to him he did not need to use as the bands were able to play within the building structure. The same will not be true of October 20 and 28 for the Johnny Holmes and The Radiators Bands.</p> <p>Councilmembers Marcoux moved, McConnell seconded, to approve the following licenses and miscellaneous activities including the sound amplification permits for Pint's Pub. Ayes (7), Nays (0). Motion carried.</p> <p><u>Heating, Ventilating and Air Conditioning</u> South River Heating &amp; Cooling, Inc., Rosemount</p> <p><u>Master Installer</u> Loren Carlson, Rosemount</p> <p><u>Miscellaneous Activities</u> Holy Spirit Church &amp; Knights of Columbus – 5K &amp; 10K Run – October 30, 2004 – 9:00 to 10:00 AM Rochester Track Club – Fred Fanning Memorial Run – October 24, 2004 – 11:00 AM to 12 Noon Gamehaven Council, Boy Scouts of America – Ten Commandments Hike – October 30, 2004 – 8:00 AM to 3:00 PM Crossroads College – Live Drive Through Nativity – December 3 and 4, 2004 – 6:00 to 9:00 PM</p> <p><u>Sound Amplification</u> Pint's Pub – 530 11<sup>th</sup> Avenue NW – Johnny Holmes Band and The Radiators Band – October 20, 2004 and October 28, 2004.</p>
D-13	<p>Councilmember Means noted the award of the COPS grant to the Rochester Police Department enabling them to place more officers in the downtown area and extended congratulations to the Department for their initiative.</p> <p>Councilmembers Means moved, Hanson seconded, to adopt Resolution No. 526-04 accepting the COPS Universal Hiring Program Grant Award for the Rochester Police Department. Ayes (7), Nays (0). Motion carried.</p>
D-29	<p>Councilmember Nowicki said that on June 10, 2004, a storm resulted in sewer backup in the wards. He commended the Public Works Department for their sensitivity on the issue and for taking quick action that day. They have now designed a sewer by-pass project to eliminate a bottleneck in the system.</p> <p>Councilmembers Nowicki moved, McConnell seconded, to adopt Resolution No. 527-04 approving a Professional Services Agreement with WHKS &amp; Company for survey and design for Project No. M4-40 (J-7733) "Construct Sanitary Sewer in 12<sup>th</sup> Street North from West Silver Lake Drive NE to Second Avenue NW and north</p>

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E-1	<p>along Second Avenue NW to Cascade Creek” in an amount not to exceed \$53,800. Ayes (7), Nays (0). Motion carried.</p> <p>A Continued Hearing on Land Subdivision Permit #04-25 by Willow Creek Commons LLC to be known as Willow Creek Commons located along the west side of TH63 and along the south side of 40<sup>th</sup> Street SW.</p> <p>The developer has requested that this application be tabled to an indefinite future date. They agree to waive and agree to extend the 120-day review period for the preliminary plat to an indefinite date.</p> <p>Councilmembers Means moved, Hanson seconded, to table the hearing on Land Subdivision Permit #04-25 by Willow Creek Commons LLC to be known as Willow Creek Commons. Ayes (7), Nays (0). Motion carried.</p>
E-2	<p>A Continued Hearing on Preliminary Plat #04-29 to be known as Pine Ridge Estates Sixth by Denny Peterson and Approval of a Substantial Land Alteration Permit for property located west of TH52, east of Ponderosa Drive SW.</p> <p>The developer’s representative has requested that the hearing be continued to the November 1, 2004, Council Meeting, to allow the developer, Mr. Peterson, to be present.</p> <p>Wishing to be heard was Joseph Wiggs, 2248 Ponderosa Drive S.W. He asked that the Council deny the request to continue the hearing to November 1, 2004, and take action on the matter. Mr. Wiggs said that the letter from Doug Nelson, Public Works Department, documents the lack of performance by the developer and continuation of the hearing only drags the situation out.</p> <p>Terry Adkins, City Attorney, told the Council that there is nothing in City ordinances to allow for denial of the development solely on the basis of problems associated with past developments. He said the Council has three options. (1) Approve as the application was submitted, (2) Deny as the application was submitted, or (3) Approve with conditions. The conditions are tied to the criteria for a preliminary plat. Mr. Adkins said that if the Council wishes to continue the hearing, the developer should be given notice that it will be the only continuance and action will be taken at the November 1, 2004, meeting.</p> <p>Wishing to be heard was Joseph Wiggs, 2248 Ponderosa Drive S.W. Mr. Wiggs reminded the Council that at the September 20, 2004, meeting Mr. Adkins said that you cannot deny based on problems associated with a prior development, but negligence which can be illustrated by a failure to adequately perform council-imposed conditions in prior developments can be used to justify a denial rather than the imposition of conditions.</p> <p>Terry Adkins, City Attorney, said that if he could show that in previous plats there were approvals with conditions that were not adhered to, that would provide a basis to advise the Council to deny this application and not bother imposing conditions</p>

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	<p>given the history of not following through with conditions. However, earlier today Public Works advised him that was not the case.</p> <p>Councilmembers Hanson moved, Means seconded, to continue the hearing on Preliminary Plat #04-29 to be known as Pine Ridge Estates Sixth by Denny Peterson and Approval of a Substantial Land Alteration Permit to the November 1, 2004, meeting with the understanding that the City will strongly notify Mr. Peterson with the concerns that the Council has.</p> <p>Richard Freese, Public Works Director, said that the \$2000 surety bond for maintenance of the access road could be used for grading of the road. There is also a surety requirement for the grading activities associated with the Fifth Subdivision. Violations that go back to the Fourth Subdivision would have no remedies that could be resolved by evoking a surety bond.</p> <p>Terry Adkins, City Attorney, said that the surety company should be notified at this time of the City's concern.</p> <p>By consensus and without objection, Councilmember Hanson amended his motion to include notification to the surety company.</p> <p>Ayes (7), Nays (0). Motion carried.</p>
E-3	<p>A Hearing on Final Plat #03-26 by Wildwood Meadows, Inc. to be known as Wildwood Meadow located south of 37<sup>th</sup> Avenue SE along the south side of 20<sup>th</sup> Street SE.</p> <p>Staff recommended that the hearing be continued until the applicant submits approval of a Type III conditional Use Permit.</p> <p>Councilmembers Stobaugh moved, Hansen seconded, to continue the hearing on Final Plat #03-26 by Wildwood Meadows, Inc. to be known as Wildwood Meadow to November 1, 2004. Ayes (7), Nays (0). Motion carried.</p>
E-4	<p>A Continued Hearing on Final Plat #04-34 by Payne Company to be known as Century Hills Outlots located adjacent to Century Hills Third Subdivision and Century Hills Second Subdivision.</p> <p>Wishing to be heard was Mark Engel, Yaggy-Colby Associates, He noted their agreement with the two conditions.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Nowicki moved, Marcoux seconded, to adopt Resolution No. 528-04 approving Final Plat #04-34 by Payne Company to be known as Century Hills Outlots with two conditions. Ayes (7), Nays (0). Motion carried.</p>

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E-5	<p>A Hearing on Preliminary Plat #04-31 to be known as The Wilds by Todd Fiedler and Design Modification #04-14 on property located west of Marion Road S.E., north of 30th Street S.E. and northeast of Pinewood Road S.E.</p> <p>Wishing to be heard was Mark Welch, GGG Engineering, representing the developer. He noted agreement with the nine conditions.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Hanson moved, McConnell seconded, to approve Preliminary Plat #04-31 to be known as The Wilds by Todd Fiedler and Design Modification #04-14 with nine conditions and instructed the City Attorney to prepare Findings of Fact, Conclusions of Law, and Order. Ayes (7), Nays (0). Motion carried.</p>
E-6	<p>A Hearing on Preliminary Plat #04-32 to be known as North Orchard Park by K &amp; P Properties, Inc. and Billman Orr Enterprises, LLC located south of 65<sup>th</sup> Street NW, west of TH52.</p> <p>Wishing to be heard was Ken Boyer, Civil Engineering Services, representing the applicant. Mr. Boyer said that they were in agreement with the ten conditions.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Stobaugh moved, McConnell seconded, to approve Preliminary Plat #04-32 to be known as North Orchard Park by K &amp; P Properties, Inc. and Billman Orr Enterprises, LLC with ten conditions and instructed the City Attorney to prepare Findings of Fact, Conclusions of Law, and Order. Ayes (7), Nays (0). Motion carried.</p>
E-7	<p>A Hearing on Final Plat #04-39 by Badger Development II, LLC to be known as Portage Townhomes located along the south side of Valleyhigh Road NW, along the east side of Kenosha Drive NW and along the north side of Portage Street NW.</p> <p>Wishing to be heard was Mark Engel, Yaggy-Colby Associates, representing the developer. Mr. Engel noted agreement with the seven conditions.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Nowicki moved, Marcoux seconded, to adopt Resolution No. 529-04 approving Final Plat #04-39 by Badger Development II, LLC to be known as Portage Townhomes with seven conditions. Ayes (7), Nays (0). Motion carried.</p>
E-8	<p>Hearing on Utility Vacation Petition #04-16 by Michael Schnell and Tracy Ziegler to vacate 1.7 feet of the 3 foot utility easement at 700 15<sup>th</sup> Street NE.</p> <p>Having no one wishing to be heard, President Hunziker closed the hearing.</p>

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E-9	<p>Councilmembers Means moved, Marcoux seconded, to adopt Resolution No. 530-04 approving Vacation Petition #04-16 by Michael Schnell and Tracy Ziegler. Ayes (7), Nays (0). Motion carried.</p> <p>A Hearing on Utility Vacation Petition #04-18 by Badger Development II, LLC to vacate utility easements located south of Valleyhigh Road NW, east of Kenosha Drive NW and north of Portage Street NW.</p> <p>Wishing to be heard was Mark Engel, Yaggy-Colby Associates, representing the applicant. Mr. Engle said that this item correlates with Item E-7, Portage Townhomes.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Marcoux moved, Stobaugh seconded, to adopt Resolution No. 531-04 approving Vacation Petition #04-18 by Badger Development II, LLC. Ayes (7), Nays (0). Motion carried.</p>
E-10	<p>A Hearing on Annexation by Ordinance #04-15 by Jeffrey &amp; Katie Johnson for property located at 2605 Oslo Court N.E.</p> <p>Wishing to be heard was Kathleen Tarara, 3516 Ogden Court N.E. She is an officer in the Oslo Corporation that currently supplies water to this lot. She wanted to know if the applicant asking for water as well as sewer service from the City?</p> <p>Mike Nigbur, Public Works Department, noted that the property will only be served by City sewer.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Nowicki moved, Stobaugh seconded, to approve Annexation by Ordinance #04-15 by Jeffrey &amp; Katie Johnson for property located at 2605 Oslo Court N.E. and instructed the City Attorney to prepare the required ordinance for adoption. Ayes (7), Nays (0). Motion carried.</p>
E-11	<p>A Hearing on Text Amendment #04-03 to amend Section 65.510(5) b) of the Zoning Ordinance and Land Development Manual by extending the length of time allowed to rebuild a sign structure, with an advertising sign credit, from 2 years to 5 years.</p> <p>Wishing to be heard was Ed Trost, 13205 Postier Drive N.W., Oronoco, and Jase Auber, 1734 15<sup>th</sup> Street N.W. They request an extension of five years to use sign credits for the area of TH52 and TH63. Due to the reconstruction of the two roads, it has been impossible to relocate or rebuild. Two years is not a sufficient amount of time to allow for the relocation given the work still under way. They currently have nine sign credits and are continuing to tear down.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p>



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E-12	<p>Councilmembers Stobaugh moved, Hanson seconded, to extend the length of time allowed to rebuild a sign structure to December 31, 2009, for a sign credit issued to a sign company at a location adversely impacted by Highway 52 or Highway 63 construction projects and instructed the City Attorney to prepare the required ordinance for adoption. Ayes (7), Nays (0). Motion carried.</p> <p>A Hearing to Consider the Establishment of a Residential Permit Parking Area on Eighth Avenue N.W. – Zone #8.</p> <p>Wishing to be heard was Michelle Baskett, 216 Eighth Avenue N.W. Ms. Baskett said that they are in favor of the permit parking. They have a narrow driveway and routinely have people parking too close to the driveway to allow for the in and out necessary.</p> <p>Wishing to be heard was Kathryn Carroll, 313 8<sup>th</sup> Avenue N.W. Mr and Mrs. Carroll is opposed to the permit parking for the street. She said that the parking issues are from the Lourdes students and the Mayo Clinic employees. The students are doing exactly what is being asked of them; to get to school on time. Parking spaces are limited for the students although Lourdes is trying to remedy the issue. To close down a public street to the students is not fair to them. If people are parking too close to driveways, the police department needs to police the area better.</p> <p>Wishing to be heard was Mike Toohey, Minneapolis. He said that he owns 301, 303, 305 and 307 8<sup>th</sup> Avenue N.W. The petition for residential parking was started a couple of years ago. He said that one of the buildings has no parking behind it and the tenants are forced to park on the street. The street is filled everyday with students and Mayo employees. All the surrounding streets are residential parking sending everyone to this street. Mr. Toohey said he supports residential parking for the block.</p> <p>Wishing to be heard was Mary McPhee, 723 Third Street N.W. She said that she lives on the corner of Third Street and Eighth Avenue N.W. Ms. McPhee said that she could see both sides of the issue. She has had to pick up trash every day from people parking on the street. She leaves her trash can at the end of her driveway each day to prevent people from making U-turns onto her boulevard. She said she was in favor of the permit parking area.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Nowicki moved, Means seconded, to adopt Resolution No. 532-04 approving the Residential Permit Parking Area and Adding Paragraph 13 to Section L "Residential Permit Parking", Zone 8 (Kutzky Addition) of the Comprehensive Traffic and Parking Resolution Book, to read as follows:</p> <p>(13) 8<sup>th</sup> Avenue NW, from 2<sup>nd</sup> Street NW to the end of the street north of 3<sup>rd</sup> Street NW, on both sides, 7:00 AM to 3:00 PM school days only.</p> <p>Ayes (7), Nays (0). Motion carried.</p>

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E-13	<p>A Hearing to Consider the Proposed Assessments for Sidewalk Repair, Snow Removal, Weed Eradication, Electric/Sewer/Water Delinquent Charges, Impound Towing, and Tree Removal.</p> <p>President Hunziker noted a letter from Michael Rhyner, 1012 11<sup>th</sup> Avenue N.E., asking for a hardship consideration on the assessment for debris removal and impounding of a vehicle on his property.</p> <p>Wishing to be heard was Melanie Lawrence, 222 Tenth Street S.E. Ms. Lawrence are one of the residents assessed for removal of a diseased tree on her property. The removal cost was \$4792.50. Ms. Lawrence said that this would cause a tremendous hardship on her family as they would be unable to keep their home if they had to pay for the tree removal as assessed.</p> <p>Jacob Ryg, City Forester, said that the tree was very large. Residents have the option of making arrangements to remove the tree themselves or to have the City remove the tree. The City contracts for the removals through a bidding process.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Stobaugh moved, Marcoux seconded, to reconsider the assessments of Michael Rhyner and Conrad and Melanie Lawrence at the November 1, 2004 meeting and adopt Resolution No. 533-04 approving the assessment of the remaining properties for Project No. 7021 "Weed Eradication", Project No. 7022 "Snow Removal", Project No. 7023 "Debris Removal", Project No. 7024 "Tree Removal", Project No. 7029 "Impound Towing", Project No. 7035 "Sidewalk Repair", Project No. 7025 "Water Delinquent Charges. Ayes (7), Nays (0). Motion carried.</p>
F-1	<p>Councilmembers Marcoux moved, Nowicki seconded, to adopt Resolution No. 534-04 accepting the Feasibility Report and Establishing the Sewer Availability Charge at \$1,461 per developable acre for Project No. M4-44 (J-4366) "Replacement of Lift Station #4 with Gravity Flow Trunkline Sanitary Sewer (Tunnel Option)". Ayes (7), Nays (0). Motion carried.</p>
F-2	<p>Councilmembers Marcoux moved, Nowicki seconded, to adopt Resolution No. 535-04 accepting the Feasibility Report for Project No. M2-38 (J-7708) "Replacement of Kings Run Trunkline Sanitary Sewer" and Establishing the Sewer Availability Charge at \$2,071 per developable acre for the Kings Run West Sewer Service Areas 28GH and 28F. Discussion.</p> <p>Richard Freese, Public Works Director, clarified for the Council that the project in Item F-1 deals with the replacement of the sewer line between the treatment plant and 18<sup>th</sup> Avenue and 55<sup>th</sup> Street N.W. Item F-2 deals with the replacement of the sewer line going west from this point to 60<sup>th</sup> Avenue N.W.</p> <p>The Council allowed Julie Leitzen, Pebble Creek LLC, 604 11<sup>th</sup> Avenue N.W., to speak. She said that the same sewer is to used on the east and west of 60<sup>th</sup> Avenue. The City charges more for the sewer line uses on the west side of 60<sup>th</sup></p>

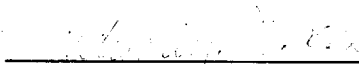
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	<p>Avenue. The pipe size has been enlarged. Item F-1, the Lift Station, costs on the east side of 60<sup>th</sup> Avenue there is no charge. In talking with Richard Freese, he indicated that the Lift Station would not have needed to be enlarged if no development had been projected for west of 60<sup>th</sup> Avenue. The Committee-of-the-Whole report for October 27, 2003, said that the existing Lift Station flows exceeded the pump station capacity in June 2002. The existing Lift Station pumping capacity exceeds the downstream gravity capacity during wet periods. The document said that it was a temporary Lift Station. The Station is 20 years old. In her opinion, any development would have needed a new Lift Station. The two feasibility studies before you tonight put a cost of approximately \$2025.00 but there will be another service area charge for \$833.00. This would mean that the Pebble Creek project will pay \$833 more than on the east side of the street using the same Lift Station and sewer lines.</p> <p>Richard Freese, Public Works Director, said that if the Tunnel project goes forward, one-third of the cost would be recovered from those areas added to the Urban Service Area not previously served by that Lift Station. Two-thirds of the cost of the Lift Station or Tunnel would be paid for by Sewer Utility rates funded by a previously-approved bond sale.</p> <p>Ayes (7), Nays (0). Motion carried.</p>
E-13	<p>Councilmembers McConnell moved, Marcoux seconded, to reopen Item E-13 on Miscellaneous Assessments. Ayes (7), Nays (0). Motion carried.</p> <p>Wishing to be heard was Phy Kunthary, 909 11<sup>th</sup> Street N.W. Mr. Kunthary has an impound towing charge assessed to him. Mr. Kunthary owns apartment dwellings in the City. In this instance, a person was staying with a tenant and the car belonging to the guest was towed for expired tabs. Mr. Kunthary did not feel that he should be responsible for cars towed that were not his own.</p> <p>Councilmembers Stobaugh moved, Marcoux seconded, to reconsider the original motion on Item E-13. Ayes (7), Nays (0). Motion carried.</p> <p>Councilmembers Hanson moved, Marcoux seconded, to amend the motion to approve the Miscellaneous Assessments except for three exceptions (Rhyner, Lawrence and Kurthary) to be considered at the November 1, 2004, Council meeting. Ayes (7), (Nays). Motion carried.</p>
G-2a	<p>An Ordinance Annexing to the City of Rochester Approximately .89 Acres of Land Located in Lot 3, Osjor Estates Third Subdivision, Township 107 North, Range 13 West, Olmsted County, Minnesota, was given a first reading.</p>
G-2b	<p>An Ordinance Amending and Reenacting Section 65.510 of the Rochester Code of Ordinances, Relating to the Termination of Nonconforming Signs, was given a first reading.</p>
H-1	<p>Item Remained on the Table - Official Street Map #12.</p>

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CITY OF ROCHESTER, MINNESOTA  
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Item

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Having no further business, Councilmembers Hanson moved, Stobaugh seconded, to adjourn the meeting. Ayes (7), Nays (0). Motion carried.

  
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City Clerk